

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Alexandria Division

<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>v.</b>	:	<b>Criminal Case No. 1:18-CR-457 (AJT)</b>
	:	
<b>BIJAN RAFIEKIAN, et al.</b>	:	

**DEFENDANT BIJAN RAFIEKIAN’S SECOND MOTION FOR EXTENSION OF TIME  
TO FILE HIS REPLY IN SUPPORT OF RAFIEKIAN’S RENEWED MOTION  
FOR A NEW TRIAL**

Defendant Bijan Rafiekian, through counsel, respectfully moves the Court for a second extension of time to file his Reply in Support of his Renewed Motion for New Trial. For the reasons set forth below, Rafiekian seeks an extension of ten days after this Court rules on Rafiekian’s pending Motion to Compel Disclosure of Classified Material and Ex Parte Statement (“Motion to Compel”) to file his Reply. Counsel for Rafiekian has conferred with the government and the government opposes the extension because it does not feel further extensions are necessary, but does not intend to file a response.

After the government filed a portion of its response to Rafiekian’s renewed new trial motion *ex parte* and *in camera*, Rafiekian moved to compel both that statement and the underlying classified documents on August 20, 2021, to allow him an adequate opportunity to reply to the government’s arguments. Rafiekian also requested, and received, an unopposed 30-day extension of time to file his reply brief until Monday, October 4, to permit time for briefing and ruling on the motion to compel.

The government opposed Rafiekian’s Motion to Compel on September 3, 2021, and Rafiekian filed his reply in further support of his motion on September 9, 2021. On September 13, 2021, Rafiekian filed a Notice of Hearing to appear before this Court on his Motion to Compel

on September 15, 2021. On September 14, 2021, this Court issued an Order cancelling that hearing. Rafiekian's motion remains pending before this Court.

For the reasons set forth in Rafiekian's Motion to Compel and reply in further support thereof, which he incorporates herein by reference, Rafiekian cannot adequately respond to the government's arguments without access to the underlying material and the *ex parte* statement. Given the critical nature of these documents to Rafiekian's arguments related to CIPA, Rafiekian respectfully requests that this Court allow him an additional ten days after it rules on the pending Motion to Compel to file his Reply in Support of his Renewed Motion for a New Trial.

Dated: September 30, 2021

Respectfully submitted,

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that, on the 30th day of September 2021, true and genuine copies of Defendant Bijan Rafiekian's Second Motion for an Extension of Time to File His Reply in Support of Rafiekian's Renewed Motion for a New Trial was sent via electronic mail by the Court's CM/ECF system to the following:

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